

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2024 JUL 11 PM 12:30

BRUCE R. MARSHALL and JEANINE WEIR,

BY  CLERK  
DEPUTY CLERK

Plaintiffs,

v.

Case No. 5:18-cv-196

LARRY S. BASSETT,

Defendant.

**ORDER OF DISMISSAL**

A review of the docket in this case reveals the following pertinent events:

1. On November 19, 2018, Plaintiffs Bruce R. Marshall and Jeanine Weir, representing themselves, filed this action.
2. After an Answer was filed, the case was stayed due to a bankruptcy proceeding from February 2019 until August 2022.
3. At a November 2, 2022 status conference, Plaintiffs stated they would file an amended complaint and the court provided a February 1, 2023 deadline. That deadline was extended to May 1, 2023. No amended complaint was filed.
4. At an August 13, 2023 status conference, the court again extended the time to file an amended complaint to March 1, 2024, and set trial dates of June 10–14, 2024.
5. By Order dated August 28, 2023, the court referred the case to U.S. Magistrate Judge Kevin Doyle for purposes of settlement.
6. By Order dated December 6, 2023, the court granted a motion to dismiss Karen Bassett as a defendant due to her bankruptcy discharge. The court reminded Plaintiffs that any amended complaint must be filed by March 1, 2024.
7. On February 29, 2024, Plaintiffs filed a “writ of error and order,” resembling other filings associated with the sovereign citizen movement, in which they “instructed” the clerk of the court to remove the trial dates from the court calendar. (Doc. 55 at 38.)
8. On March 6, 2024, the court issued an Order requiring Plaintiffs to inform the court by April 1, 2024, whether they wished to have the case dismissed and, if not, whether and when they wished to proceed to trial. Plaintiffs did not respond to the Order.
9. On March 15, 2024, Plaintiffs again filed a “writ of error and order.” (Doc. 58.)
10. On April 29, 2024, Plaintiffs filed another “writ of error and order.” (Doc. 65.)
11. On May 1, 2024, Magistrate Judge Doyle held a status conference at which Plaintiffs stated they objected to the hearing and referred to their “writs of error.” Following the hearing, Judge Doyle issued a status report concluding that settlement proceedings with full participation of the parties was not a viable option.

12. On May 23, 2024, Plaintiffs filed two more “writs of error” (Docs. 70, 72) and a “status report.” (Doc. 71.) Each of the writs asserts that that the court lacks authority over their lawsuit.
13. Also on May 23, the court held a final pretrial conference at which it canceled the bench trial and indicated it would issue a dismissal order. Plaintiffs appeared by video. They declined to answer the court’s questions about when they would be ready for a trial. Instead, they objected to the hearing.
14. On May 28, 2024, the court issued an Order to Show Cause reviewing the facts of the case and explaining why the case may be subject to dismissal. The Order required Plaintiffs to show cause why their case should not be dismissed for failure to prosecute. Their response was due no later than June 14, 2024.
15. As of the date of this Order, no further filings have been received. Plaintiffs have filed no response to the Order to Show Cause.

The Federal Rules of Civil Procedure authorize dismissal of an action when “the plaintiff fails to prosecute or to comply with these rules or a court order[.]” Fed. R. Civ. P. 41(b). Where a defendant has not moved under Rule 41(b), a court may nevertheless dismiss a case *sua sponte*. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962).

This case has not progressed since it was unstayed in August 2022, almost two years ago. Plaintiffs have not responded to the court’s May 28 Order. Plaintiffs have refused to engage with the court or to answer the court’s questions about when they wished to conduct a trial other than by objecting to the court’s authority and purporting to cancel orders of the court in their multiple writs of error. Because Plaintiffs have both failed to prosecute this case and failed to comply with the court’s May 28 Order, this case is DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

Dated at Rutland, in the District of Vermont, this 11<sup>th</sup> day of July 2024.



Geoffrey W. Crawford, Chief Judge  
United States District Court